

III-B HIGHWAY MIXED USE - (HM-I) DISTRICTS USE REGULATIONS

Only those uses provided for below are permitted or allowed in a Highway Mixed Use - I (HM-I) District. To the extent permitted by law, all other uses are prohibited.

1. Permitted Uses: The following uses are permitted as of right on all premises in HM-I Districts:
 - a. Any use permitted as of right in Industrial Two (IN-II) Districts.
 - b. Indoor Wireless Communications Facility (IWCF). (Art. 30, Fall ATM, 10/8/98)
2. Allowed Uses: The following uses are permitted on all premises in the HM-1 District provided that a Special Permit is obtained from the Special Permit Granting Authority (SPGA) in accordance with the requirements of this Bylaw. (Art. 29, Fall ATM, 10/8/98)
 - a. Any use permitted with a Special Permit in Industrial Two (IN-II) Districts.
 - b. Licensed Nursery Schools and/or Daycare Centers (Art. 16, 1987 ATM, 10/6/87)
 - c. Wireless Communications Facility, including only a BMWCF, an AWCF, and co-locating a WCF on an existing free standing monopole or lattice tower. (Art. 30, Fall ATM, 10/8/98)
3. Permitted Uses - Large Parcels: In addition to the foregoing uses, the following uses are permitted in HM-I Districts on premises with minimum lot area in excess of 200,000 square feet and conforming to requirements of Section III-B(5) hereinafter set forth:
 - a. Business or professional office or agency; bank or other financial institution; administrative office; clerical office; statistical office; establishment for research and/or development; craft, consumer, professional or commercial service establishment dealing directly with the general public; business training center;
 - b. (Reserve Space) (Art. 2, S.T.M. #1, 1/23/96);
 - c. (Reserve Space) (Art. 2, S.T.M. #1, 1/23/96);

- d. The storage and parking of motor vehicles, with no provision for operations incidental to the servicing of such vehicles;
 - e. Printing or publishing establishment;
 - f. Restaurant, tearoom, lunchroom or other eating establishment serving food and beverages on the premises, and/or serving food and beverages and providing live or mechanical entertainment, and/or servicing customers outside of the building and/or serving premises of a hotel with or without accompanying entertainment, including without limitation all restaurants, cocktail lounges, room service facilities, and meeting and function rooms on hotel premises; provided any portion of a structure dedicated to such use is located at least one hundred (100) feet from the nearest residentially zoned district;
 - g. Library; museum;
 - h. Hotel; motel.
4. Allowed Uses Large - Parcels: In addition to the foregoing uses, the following uses are permitted in HM-I Districts on premises with minimum lot area in excess of 200,000 square feet and conforming to the requirements of section III-B (5) hereinafter set forth provided a Special Permit is obtained from the Special Permit Granting Authority (SPGA) in accordance with the requirements of this Bylaw (Art. 29, Fall ATM, 10/8/98):
- a. Indoor and/or outdoor amusement or recreational uses, excluding outdoor movie theaters, provided that any portion of a structure dedicated to such uses is located at least one (100) feet from the nearest residentially zoned district and that golf shall be by natural light only;
 - b. Private landing area to be used solely for the landing, taking off and storage of helicopters.
5. Intensity Regulations - Large Parcel Uses: Where uses exist or are proposed which are permitted by Sections III-B (3) or III-B (4) hereof, the following intensity regulations shall apply in lieu of the intensity regulations set forth in Section IV-B. (Where no such uses exist, the applicable intensity regulations of Section IV-B shall apply. Furthermore, the general requirements of Section IV-A of these By-Laws shall apply):
- a. Minimum lot area: 200,000 Square feet.

- b. Minimum continuous frontage: 200 feet.
- c. Minimum depth: 200 feet.
- d. Minimum front yard: 85 feet (excluding staircases, ramps and other facilities required by law for the safe use of the structure).
- e. Minimum side yard and rear yard: Where side yards or rear yards abut premises used for residential purposes, such yards shall maintain the following depth along said boundaries; one and one-half (1-1/2) times the height of the structure located adjacent to said side yard or rear yard but not less than fifty (50) feet in width. There shall be excluded from the computation of side and rear yard depth, protrusions for staircases, ramps, and other facilities required by law for the safe use of the structure.
- f. Maximum building coverage: 50% including accessory buildings.
- g. Maximum height of buildings: 75 feet.
- h. Open space requirements per lot: A strip of landscaped open space at least four (4) feet in width shall be maintained at all side lot lines and rear lot lines. Along those portions of lot lines that abut residentially zoned districts, there shall be created and maintained a strip of landscaped open space of at least twenty (20) feet in width (including the foregoing strip) for any lot whose area is more than five (5) acres but less than ten (10) acres, with the ten (10) additional feet of width for each additional five (5) acres of lot area, but in no event shall it be required that any such open space be more than fifty (50) feet in width. Moreover, it shall not be required that any such open space be wider than the width of the respective existing side, rear or front yard of the premises, as the case may be, so long as such yard conforms with the requirements of these By-Laws. All such landscaped open spaces may be interrupted for pedestrian, vehicular and utility installation and access. All landscaping shall be constructed and maintained as provided in Section IV-B(x) of these By-Laws. No additional buffers shall be required under this Section at property lines at which the requirements of these By-Laws for landscaping adjacent to rights-of-way are satisfied.
- i. Structures in existence January 1, 1979: Notwithstanding the foregoing requirements, structures in existence on January 1, 1979, and improvements thereto, such as the addition of access and egress facilities, addition of new building facades and the addition of structural supports, shall be deemed to satisfy the requirements of (d) , (e) and (g) of this subsection. In addition, any structure in existence on

January 1, 1979 may be altered and improved to a height in excess of seventy-five (75) feet so long as such alteration and improvement does not exceed the height of the highest portion of that structure in existence on January 1, 1979.

(Art. 1, S.T.M. March, 1979)

III-C HIGHWAY MIXED USE - (HM-II) DISTRICT USE REGULATIONS

1. PERMITTED AND ALLOWED USES:

a) Small Parcels- On lots located within an HM-II District, containing two hundred thousand (200,000) square feet of land or less, all uses permitted as of right and all uses allowable on such lots on the issuance of a Special Permit by the Special Permit Granting Authority which were permitted or allowable in the zoning district within which said lots were located immediately prior to rezoning to an HM-II District shall respectively continue to be permitted or allowable uses.

b) Large Parcels- On lots located within an HM-II District, containing over two hundred thousand (200,000) square feet of land or less, the following uses as set forth in Section III-A.2 (USE REGULATIONS SCHEDULE) shall be permitted as a matter of right: Use Nos. 1, 3, 5, 9 and 46C.

(Art. 9, S.T.M. #1 January 21, 1992)

2. OVERALL SITE PLAN

In the event the owner or owners of a lot, or several adjacent lots in an HM-II district, elect to develop their land under an Over-all Site Plan, then the uses set forth hereafter under Section III-C.3 may be permitted upon Site Plan Review and the grant of a Special Permit by the Planning Board in accordance with Sections VI-DD and VEE of these By-Laws. Where owners of adjacent lots wish to combine them for the purpose of seeking a Special Permit and approval of a Final Site Plan under this Section, they must submit a recordable agreement to the Planning Board with their petition for a Site Plan Review and Special Permit. Such agreement must be in a form that is satisfactory to the Planning Board and shall authorize the joint proposed development, and be binding upon their successors in interest. Such agreement shall be recorded upon approval of a Final Site Plan prior to the issuance of any building permit. (Art. 9, S.T.M. #1 January 21, 1992)

3. ALLOWED USES UNDER AN OVERALL SITE PLAN

The following uses may be allowed in an HM-II District under an Overall Site Plan as described in Section III-C.2: (Art. 9, S.T.M. #1 January 21, 1992)

a. Business or professional office or agency; bank or other financial institution, administrative office; clerical office; statistical office; establishment for research and-or development; craft, consumer,

professional or other service establishment dealing directly with the general public; business training center;

b. Retail Stores;

c. Hotel or Motel;

d. Indoor amusement or recreation place provided that the building or portion of the building dedicated to such use is so insulated and maintained as to confine noise to the premises and is located at least two hundred (200') feet from the nearest residentially zoned district, and at least three hundred-fifty (350') feet from any existing residential structure.

e. Wholesale or retail office or showroom with inside storage of goods for sale on the premises only;

f. Printing or publishing establishment;

g. Off street parking which may be surface or indoor; (Art. 24, ATM 4/11/95)

h. Restaurant, tearoom, lunchroom or other eating establishment serving food and beverages, to be chiefly consumed on the premises, provided that any portion of a structure dedicated to such use is located at least two hundred (200') feet from the nearest residentially zoned district;

i. The serving of food and-or beverages, with or without accompanying entertainment, on the premises of a hotel, including, without limitation, all restaurant, cocktail lounges, room service facilities, meeting and function rooms on said premises, provided that any portion of a structure dedicated to such uses is located at least three hundred fifty (350') from the nearest existing residential structure.

j. Licensed Nursery Schools and/or Daycare Centers
(Art. 16, 1987 ATM, 10/6/87)

k. Health Care or Retirement Facility (Art. 1, S.T.M. #5, 11/16/93)

l. Wireless Communications Facility, including only a BMWCF, an AWCf, and co-locating a WCF on an existing free standing monopole or lattice tower. (Art. 30, Fall ATM, 10/8/98)

4. INTENSITY REGULATIONS:

a) Small Parcel Uses: Uses permitted within "Small parcels" as defined in Section III-C1 hereof shall conform to Section IV-B Intensity Regulations of the Zoning Bylaw for the Zoning District in which said

small parcel was located immediately prior to rezoning to an HM-II District.

b) Large Parcel Uses: Uses permitted within "Large Parcels" as defined in Section III-C1 hereof shall conform to the Section IV-B Intensity Regulations for the RSA Zoning District. (Art. 9, S.T.M. #1 January 21, 1992)

5. INTENSITY REGULATIONS UNDER OVERALL SITE PLAN DEVELOPMENT

Where a lot or a group of lots are proposed to be included as one large parcel for purposes of seeking Site Plan Approval and a Special Permit under Section III-C.2. in addition to any general requirements of Section IV-A, the following regulations shall apply:

a. MINIMUM AREA REQUIRED FOR INCLUSION IN A FINAL SITE PLAN: 8 acres.

b. MINIMUM CONTINUOUS FRONTAGE REQUIRED FOR INCLUSION IN A FINAL SITE PLAN: 200 feet along the major highway or along the access road from the parcel to the major highway.

c. MINIMUM LOT AREA: 100,000 square feet.

d. MINIMUM LOT DEPTH: 200 feet.

e. MINIMUM LOT FRONTAGE ON MAJOR HIGHWAY OR THE ACCESS ROAD: 100 feet.

f. MINIMUM SETBACK OF BUILDINGS AND PARKING FROM MAJOR HIGHWAYS: 85 feet (excluding staircases, ramps and other facilities required by law for the safe use of the structure).

g. MINIMUM SIDE AND REAR SETBACKS: No buildings shall be located closer than 100 feet to the side or rear lines of the parcel. Where the parcel abuts residentially zoned land the setback of structures shall be no less than two (2) times the height of such structure, but not less than 100 feet. However, notwithstanding the foregoing, where the parcel abuts other commercially zoned land, or where the parcel abuts town owned land regardless of zoning classification, the side or rear yards of any lots so abutting shall be not less than fifty (50') feet. There shall be excluded from the computation of such setback or yard depth, protrusions for staircases, ramps, and other facilities required by law for the safe use of the structure. (Art. 1, STM #4, 10/05/93)

h. **MAXIMUM BUILDING COVERAGE:** 25 per cent, including accessory buildings; provided however, that a garage structure, to the extent that it provides parking for the number of parking spaces required in accordance with this By-Law, shall not be counted in determining building coverage. The portion of the garage building "footprint" to be counted towards building coverage shall be a fraction of the total building footprint area; said fraction having as its numerator the square foot area in the building devoted to accommodate the excess parking spaces, and having as its denominator the total square foot area in the garage building devoted to parking.

i. **MAXIMUM HEIGHT OF BUILDINGS:** 55 Feet, however, buildings may be 75 feet high if setback at least 200 feet from residential districts. (Art. 1, STM #4, 10/5/93)

j. **BUFFERING REQUIREMENTS:** A strip of landscaped buffer area at least 50 feet in width shall be maintained at all side and rear boundaries of the parcel. Landscaping requirements for such buffer strip shall be not less than those provided in Section IV-B(x) of these By-laws. However, the Planning Board may provide for additional tree and-or understory plantings, fencing, berms, or any combination thereof which serve to adequately screen the uses on the parcel from surrounding residential uses; any such trees so required shall not be spaced closer than 15 linear feet and shall not be required to be taller than 12 feet when planted. Where the topography requires buildings shall be so sited as to minimize their being visible from surrounding residences. Said buffer area may be interrupted for drainage channels, ponding areas, pedestrian, vehicular and utility installations.

k. **GARAGES AND PARKING:** Garages may be used for indoor storage of motor vehicles. Where roof parking is desired, all vehicles shall be screened laterally by a suitable parapet wall and roof lighting shall be screened laterally.

For the purpose of this HM-II district, and notwithstanding any other provision of these By-Laws, an off-street parking space may have a width of not less than 7.5 feet and a length of not less than 15 feet for angle parking or 18 feet for parallel parking, provided that no more than 50 percent of the off-street parking spaces are so dimensioned. It is the intent of this provision to reduce the amount of paved area that is included in a Site Plan to provide no more parking spaces than would otherwise be provided if standard size spaces were used.

(III-C.2, 3 and 5 amended - Art. 4 S.T.M. #3, October 27, 1981)

III-D USE REGULATIONS FOR LC DISTRICTS:

Only those uses provided for below are permitted or allowed in an LC District. All other uses are prohibited, except as they may be provided for hereafter.

1. PERMITTED USES: The following uses are permitted as of right in an LC District.
 - a. One -family detached dwelling;
 - b. One family attached or detached dwelling for personnel required for safe operation of a permitted use to reside on the premises thereof;
 - c. Two-family or semi-detached dwelling, including alterations and conversions of single-family dwellings;
 - d. Multi-family building types for not less than three (3) dwelling units but not more than six (6) dwelling units building, such as: apartment houses and/or town houses, with no more than six (6) dwelling units per acre;
 - e. Renting of one or two rooms and/or the furnishing of board by a resident family to a total of not more than four (4) non-transient persons;
 - f. The storage and parking of motor vehicles, with no provision for operations incidental to the servicing of such vehicles;
 - g. Private or commercial club, including golf (by natural light only), outdoor swimming, riding, outdoor tennis and boating facilities, provided that no structures are located closer than one hundred (100') feet from any lot line;
 - h. Lodge building or other non-profit social or civic use, but not including any use the principal activity of which is one customarily conducted as a business;
 - i. Customary home occupation;
 - j. Wholesale or retail stores or office or showroom with inside storage of goods;
 - k. Salesroom for motor vehicles, trailers, boats, farm implements, or machinery, with no repair services and excluding used-car lots;

k. 1. Limited salesroom for motor vehicles. (*Article 5, FTM, 10/15/2013*)

l. Business or professional office or agency; bank or other financial institution; administrative office, clerical office; statistical office and establishment for research and development; craft, consumer, professional or commercial service establishment dealing directly with the general public; business training center;

m. Printing or publishing establishment;

n. Restaurant, tea room, lunchroom or other eating establishment serving food and beverages inside a lodge building in connection with non-profit social or civic activities to which admission is limited or controlled, and specifically excluding any activity customarily conducted as a business;

o. Cafeteria or restaurant for use of personnel employed on the premises carrying on a permitted use;

p. Building owned by the Federal Government, the Commonwealth of Massachusetts or the Town of Natick or its departments; and libraries and museums; but excluding solid waste disposal facilities.

q. Indoor Wireless Communications Facility (IWCF). (Art. 30, Fall ATM, 10/8/98)

2. USES ALLOWED ON SPECIAL PERMIT ONLY. The following uses may be allowed by the Special Permit Granting Authority in accordance with Section VI - E - 2:

a. Indoor amusement or recreation place or place of assembly provided that the building is so insulated and maintained as to confine noise to the premises and is located not less than one hundred (100') feet from a residential district;

b. Indoor tennis or racquet club or other indoor recreation place with membership requirements and limited public participation, provided that the building is so insulated and maintained as to confine noise to the premises and is located not less than one hundred (100') feet from any residential use; and provided further that parking demand generation for such use shall not exceed 40 spaces;

c. Sanitarium, nursing or rest home;

d. Accessory use.

- e. The provision of seating accommodations in conjunction with the carrying on of a retail food use, provided that such accommodations will not permit a total of more than 16 customers to be seated at any one time. (Art. 21, Fall A.T.M., 10/5/93)
- f. Wireless Communications Facility, including only a BMWCF, an AWCf, and co-locating a WCF on an existing free standing monopole or lattice tower. (Art. 30, Fall ATM, 10/8/98)
- g. The provision of seating accommodations in conjunction with the carrying on of retail food use which is conducted solely as an accessory use to a retail use in the same building, said seating to be limited to one (1) seat for each 250 square feet of retail space and said seating area shall not exceed ten (10%) percent of the total retail space, excluding the area devoted to retail food use. In addition, there shall be no drive up window associated with the accessory retail food use, the accessory retail food use shall be operated exclusively by the operator of the principal retail use, the hours of operation of the accessory retail food use shall be limited to those of the principal retail use, and there shall be no sign visible from or located exterior to the building that advertises, calls attention to or indicates the carrying on of the accessory retail food use. (Art. 7, S.T.M. #2, 10/10/00)

3. DIMENSIONAL AND DENSITY REQUIREMENTS. The following intensity regulations shall apply in addition to the general requirements of Section IV-A of these By-Laws in an LC District:

- a. MINIMUM LOT DIMENSIONS: Area = 40,000 square feet, but where adjacent lots in an LC District share a common driveway, or common access ways, any of the lots may have an area as low as 20,000 sq ft.; Continuous frontage = 200 ft., but where adjacent lots in an LC District share a common driveway, or common access ways, any of the lots may have a frontage as low as 120 feet; Depth = 40 ft.
- b. MINIMUM YARD DIMENSIONS: Front yard = 50 ft., but where the depth of an LC lot, measured at its point of greatest depth is 150 ft. or less, the front yard dimension may be one-third of the depth, but in no case less than 25 feet; side yard = 40 feet; rear yard = 40 ft.
- c. MAXIMUM % BUILDING COVERAGE (include any accessory building): 20 %
- d. MAXIMUM HEIGHT OF BUILDING AND/OR STRUCTURES: 35 feet; however, if the State Building Code is more restrictive then such Code height limitations shall govern.

- e. MINIMUM OPEN SPACE REQUIREMENT PER LOT: 10%.
(Art. 6 S. T. M. March 20, 1979)

III-E DOWNTOWN MIXED USE DISTRICT DM

1. PURPOSE AND INTENT:

To establish a compact business center which does not include noxious or land-expansive uses, is centrally located, and is designed primarily for pedestrian shoppers. Some multi-family dwellings may be included to provide economic viability to such center while adding to the housing stock of the community. The DM District is intended to apply only to the central business area in the vicinity of the intersection of Routes 135 and 27.

2. USE REGULATIONS FOR DM DISTRICTS:

Only those uses provided for below are permitted or allowed in a DM District. All other uses are prohibited, except as may be provided for hereafter.

a. PERMITTED USES:

The following uses are permitted as a matter of right in a Downtown Mixed Use District, such uses may be combined in the same structure and/or on the same lot:

1. One-family detached dwelling only if existing as of the time of adoption of this By-Law.
2. One-family attached or detached dwelling for personnel required for the safe operation of a permitted use to reside on the premises thereof.
3. Two-family or semi-detached dwelling, including alterations and conversions of single-family dwellings if existing as of the time of adoption of this By-Law.
4. (reserved)
5. (reserved)
6. (reserved)
7. Private garage or outdoor vehicles storage in connection with a dwelling.

8. Lodge building or other non-profit social or civic use, but not including any use the principal activity of which is one customarily conducted as a business.
9. Customary home occupation.
10. Wholesale or retail stores or office of show room with inside storage of goods for sale on the premises only.
11. (reserved)
12. (reserved)
13. Business or professional office or agency, bank or other financial institution, administrative offices, clerical offices, statistical offices, craft, consumer, professional or commercial service establishments dealing directly with the general public, business training center.
14. Undertaking establishment or funeral home.
15. Printing or publishing establishment.
16. Restaurant, tearooms, lunchrooms, or other places serving permitted beverages inside a lodge building in connection with non-profit social or civic activities to which admission is limited or controlled, and specifically excluding any activity customarily conducted as a business.
17. Eating establishments serving customers inside of the building without live or mechanical entertainment.
18. Cafeteria or restaurant for use of personnel employed on the premises carrying on a permitted use.
19. (reserved)
20. Warehouse of less than 1,000 square feet gross floor area.
21. Establishments for scientific research or scientific development or related production.
22. A governmental facility and building for public uses and purposes, including libraries, museums, and public schools but excluding solid waste disposal facilities.

23. Public utility structure including telephone exchanges, and radio and TV stations offices (excluding towers).

24. Church, rectory, convent, parish house, and other religious institutions such as religious sectarian schools.

25. Schools conducted by a non-profit educational corporation on land which it owns.

26. Fallout shelters.

27. All uses, which by any of the provisions of the Massachusetts General Laws, including Chapter 40A, may not be prohibited, are hereby included by reference as permitted uses.

b. USES ALLOWED ON SPECIAL PERMIT ONLY:

The following uses may be allowed by the Special Permit Granting Authority in accordance with the provisions of Chapter 40A of the General Laws and in accordance with Section VI-DD of this By-law.

1. Multi-family dwellings, provided the Special Permit Granting Authority specifically determines that adequate provision has been made for off-street parking.

2. Indoor amusement or recreation place of assembly provided that the building is so insulated and maintained as to confine noise to the premises and such use is located not less than one hundred (100) feet from a residential district.

3. Indoor tennis or racquet club or other in-door recreation place, provided that the building is so insulated and maintained as to confine noise to the premises.

4. Gasoline or service station.

5. Eating establishments providing live or mechanical entertainment or service to customers outside of the building.

6. Warehouse of more than 1,000 square feet gross floor area.

7. Accessory use.

8. Boarding House, Tourist Home or Lodging House.

9. Hotel and Motel.

10. Salesroom for motor vehicles, trailers, boats, farm implements, or machinery, with no repair services and excluding used-car lots.

10. a. Limited salesroom for motor vehicles. (*Article 5, FTM, 10/15/13*)

11. Commercial parking lot

12. The serving of food and/or permitted beverages, with or without accompanying entertainment, on the premises of a hotel or motel, including without limitation, all restaurants, cocktail lounges, room service facilities, meeting and function rooms on the premises.

3. DIMENSIONAL AND DENSITY REQUIREMENTS

a. MINIMUM LOT DIMENSIONS: Area - 10,000 square feet; continuous frontage - 80 feet; depth - 120 feet.

b. MINIMUM YARD DIMENSIONS : Front yard – fifteen (15') feet or, if less, the smallest front yard existing on any abutting lot having frontage on the same side of the same street, upon the issuance of a Special Permit by the SPGA based on a finding that such lesser setback will not be detrimental to the neighborhood; Side yard – ten (10') feet where premises abut a residential district, otherwise none required; Rear yard - Twenty (20') feet. (Art. 6, S.T.M. #2, 10/10/00)

c. MAXIMUM PERCENTAGE BUILDING COVERAGE: (Includes any accessory building): 60 %.

d. MAXIMUM HEIGHT OF BUILDING AND/OR STRUCTURES:

Fifty (50') feet. However, height may be as much as sixty (60') feet if there are one or more existing buildings within 200 feet of the premises on a lot with frontage on the same side of the same street having a building height equal to the height of the proposed structure. For the purpose of the preceding clause only, the building height of existing buildings within 200 feet of the premises shall not include roof tanks and their supports, ventilating, air conditioning and similar building service equipment; steeples, chimneys, railings, skylights and other similar features of buildings; fixtures and equipment used for the wireless transmission and reception of radio signals, including but not limited to antennae, communication dishes and similar devices, monopoles, and lattice towers. No part of a building lying within twenty (20') feet of a residential district boundary may exceed forty (40') feet. (Art. 6, S.T.M. #2, 10/10/00)

e. MINIMUM HEIGHT OF BUILDINGS:

Building height for any new building shall equal at least thirty (30) feet.
(Art. 6, S.T.M. #2, 10/10/00)

f. OPEN SPACE REQUIREMENT PER LOT: Ten (10%) percent which is landscaped and at grade level; provided that any structure in existence on January 1, 1987 may be altered and improved without increasing the open space in existence on January 1, 1987. (Art 47 S.T.M. April 7, 1987)

4. DESIGN REVIEW BOARD

A. PURPOSE

It is the intent of this Section to provide detailed review of exterior alterations made to structures having substantial impact on the Natick Downtown Mixed Use District, to prevent blight, to enhance the natural and aesthetic qualities of the Downtown, to conserve the value of land and buildings, and to protect and preserve the historic and cultural heritage of the Downtown and its surrounding neighborhoods.

B. DESIGN REVIEW BOARD COMPOSITION

For the purposes of this Section III-E.4, the Design Review Board shall be appointed by the Planning Board and the Natick Board of Selectmen to consist of five (5) Town residents as follows:

1. A member of the Planning Board or designee,
2. A person appointed by the Planning Board qualified by training and experience in Landscape design,
3. A person appointed by the Planning Board qualified by training and experience in Architecture design,
4. A person appointed by the Board of Selectmen who serves on the Historic Commission,
5. A person appointed by the Board of Selectmen who serves on a Downtown Business organization.

Members shall serve for three (3) years or until their successors are appointed, except that the members listed under paragraphs 2 and 4 above shall serve for two (2) years in their initial term, and the member listed under paragraph 3 above shall serve for one (1) year in his or her initial term.

C. AUTHORITY AND SPECIFIC POWERS

The Design Review Board shall review requests for sign permits, new construction, or any other exterior alterations or modifications to a building, with the exception of single- and two-family dwellings, that require a special permit or variance. It shall evaluate such requests based on Part D – Design Criteria of this section. All requests must be submitted to the Design Review Board prior to application to the Special Permit Granting Authority or Permit Granting Authority. A written determination must be made within thirty (30) days after the filing of the application or such further time as the applicant may in writing allow. Its findings, along with any restrictions and/or conditions, shall be submitted in writing to the Special Permit Granting Authority or Permit Granting Authority. These comments may also be incorporated in the recommendations of the Planning Board to the Special Permit Granting Authority or Permit Granting Authority. All decisions and reports of the Design Review Board shall be advisory only.

D. DESIGN CRITERIA

The Design Review Board shall review requests for Special Permits under this Section based on the following standards:

1. Preservation and enhancement of landscaping. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas.
2. Relation of buildings to environment. Proposed development shall be related harmoniously to the terrain and to the use, scale, and architecture of existing buildings in the vicinity that have functional or visual relationship to the proposed building. Proposed buildings shall be related to their surroundings with respect to:
 - a. height
 - b. street façade
 - c. rhythm of solids and voids
 - d. spacing of buildings or signs
 - e. materials, textures, and color
 - f. roof slopes
 - g. scale

3. Open space. All open space (landscaped and usable) shall be designed to add to the visual amenities of the area by maximizing its visibility for persons passing the site or overlooking it from nearby properties.
4. Signs and advertising devices. The size, location, design, color, texture, lighting, and materials of signs and advertising devices shall be in harmony with significant architectural features of existing and proposed buildings and structures and with surrounding properties.
5. Heritage. Removal or disruption of historic, traditional or significant uses, structures, or architectural elements shall be minimized insofar as practicable, whether these exist on the site or on adjacent properties.
6. The Design Review Board may, in its discretion, determine and apply additional Design Criteria that further the purposes of this bylaw.

E. DESIGN GUIDELINES HANDBOOK

The Design Review Board shall publish and make available to the public on request a booklet of guidelines based on the specific Design Criteria cited in Part D to effectuate the purposes of this Section.

(Art. 21, Fall A.T.M., 10/21/03)

III-F CLUSTER DEVELOPMENT ALLOWED IN CERTAIN DISTRICTS

III-1. F. TOWN HOUSE CLUSTER DEVELOPMENT

1. PURPOSE AND INTENT:

To permit more economical and efficient use of land than may be accomplished through standard subdivision development by protecting the existing character of the landscape and preserving open space areas for conservation and recreation.

2. APPLICABILITY:

The Planning Board may grant a special permit for the construction and occupancy of a Town House Cluster Development located in the RSA District, provided that the gross land area of the parcel is at least 40 contiguous acres. The applicant must either own or submit authorization in writing to act for all the owners of the parcel. Two or more adjacent parcels which are separated by a distance of 100 ft., or less, may be combined and treated as a single parcel for the purpose of this section (ART. 50 1988 ATM).

3. PERMITTED USES:

Any use permitted as a matter of right or under a special permit in the RS District as set forth elsewhere in this By-Law may be undertaken on a parcel to which this Section III-F is to be applied; however, the Planning Board, acting as a Special Permit Granting Authority as hereinafter provided may grant a special permit in accordance with the provisions of this By-Law and MGL Chapter 40A to allow the following additional uses:

- a. Town Houses;
- b. Country Club, including golf by natural light only, swimming, tennis and other similar recreational uses, provided they are included within the Overall Development Plan of a Town House Cluster Development and are available to the general public;
- c. Clubhouse, incidental to the operation of a country club including eating facilities for members and guests, provided it is included within the Overall Development plan of a Town House Cluster Development, and the building housing the facilities does not exceed 20,000 sq. ft. in gross floor area, and the planning Board determines that its operation will not be detrimental or injurious to adjacent residential uses or the value or adjacent properties.

4. JURISDICTION:

Where the proposed uses of an RSA parcel under this Section III-F would require obtaining a special permit from both the Board of Appeals and Planning Board, then the Planning Board shall have exclusive jurisdiction to issue or deny all of such permits for a particular project. The Planning Board shall retain said jurisdiction until the Town House Cluster Development has been constructed in accordance with the Overall Development Plan as approved by the Planning Board. Thereafter, the granting of special permits shall be in accordance with other provisions of this Zoning By-Law.

5. PROCEDURES

The procedures to be followed in obtaining approval for the Town House Cluster Development are:

a. PRE-APPLICATION REVIEW:

To promote better communication and to avoid misunderstanding, the applicant is encouraged, prior to preparation of a formal application, to meet with the Planning Board and Planning Director for general discussion, using the soil survey, drainage, topographic and other data available from the Town.

b. FORMAL APPLICATION:

The applicant for a Town House Cluster Development shall submit to the Planning Board a formal application for a special permit, which includes an Overall Development Plan, and is otherwise in compliance with Rules and Regulations especially established by the Planning Board relative thereto. The application shall be filed in the name of the record owner of the parcel to be developed. Date of application shall be the date when filing is made with the Planning Board.

c. FURTHER PROCEDURES:

The hearing and further proceedings regarding the application shall be in accordance with MGL Chapter 40A. When so functioning the members of the Planning Board shall be considered to be a Special Permit Granting Authority with all of the powers as conferred by MGL Chapter 40A. The Planning Board may adopt Rules and Regulations for the proceedings under this Section III-F, so far as apt, in accordance with MGL Chapter 41, Section 81A; and may waive strict compliance therewith so far as apt, in accordance with MGL Chapter 41, Section 81R.

6. CRITERIA:

Approval of the application for a Special Permit to allow the construction of a Town House Cluster Development shall be granted only upon Planning Board determination that the Plan is superior to a conventional subdivision plan. The following criteria shall be used to make the determination as to whether or not the plan is superior: the preservation of open space for conservation and/or recreation; the protection of natural features of the land; the protection of historical or other significant features; more efficient provision of street, utilities and other public services. Specific means of achieving these objectives include:

- a. Avoidance of frequent driveway openings onto through streets, or near street intersections.
- b. Avoidance of extensive topographic change necessitating vegetation and tree removal.
- c. Preservation of scenic views from public ways.
- d. Preservation of natural landscape in large contiguous areas which are visible from roadways and residences, enhancing the likelihood of the continuation of existing eco systems.
- e. Use of Preserved Open Space to protect natural environments such as stream valleys, ponds, outstanding vegetation, or scenic spots.
- f. Avoidance of access via existing minor streets servicing single family homes, especially where town houses are sited.

7. REQUIREMENTS:

A town house Cluster Development must conform to the following :

a. Number of Dwelling Units

The maximum number of dwelling units shall equal the Net Usable Land Area within the parcel to be used for the Town House Cluster Development in accordance with this Section III-F divided by 15,000, rounded to the nearest whole number. Net Usable Land Area as used herein shall mean sixty-five (65) per cent of the area remaining after subtracting the areas of any bodies of water, wetland, or land lying

within the 100 year flood elevation from the gross area of the parcel to be used for residential use and open space. The flood plain and wetlands maps and aerial surveys adopted as official maps by the Planning Board from time to time shall be used to determine areas of water, 100 year flood plain elevations and wetland boundaries.

8. INTENSITY REGULATIONS:

- a. No building or parking shall be located closer than fifty (50') feet from the boundaries of the Overall Development Plan unless appropriate protective screening and buffer areas as approved by the Planning Board have been provided.
- b. No construction shall take place within the 100 year flood elevation except in conformity with the requirements and procedures established by the Town for such areas pursuant to the National Flood Insurance Program (42 USC 4001-4128) and the regulations of the Secretary of Housing and Urban Development issued thereunder.
- c. Maximum height of any building shall not exceed 35 feet above mean grade.
- d. Maximum per cent of building coverage shall be 10 per cent.
- e. All buildings shall be separated from other buildings by a distance of 10 feet or 10 per cent of the length of the shorter of the adjacent building involved, whichever is greater.

9. Preserved Open Space:

The preserved open space shall comprise not less than thirty (30) per cent of the total land area of the parcel for which there is an Overall Development Plan. At Least eighty (80) per cent of the dwelling units shall abut or be within three hundred (300') feet of the Preserved Open Space and have access via a public way or easement for a distance of no more than one hundred (100') feet to such Preserved Open Space. At Least fifty (50) per cent of the Preserved Open Space shall not be wetlands or land subject to seasonal or periodic flooding unless a higher percentage is specifically approved by the Planning Board. The Special Permit authorizing the Town House Cluster Development shall further provide that the Preserved Open Space shall be conveyed to a corporation or trust owned, or to be owned, by the owners of the lots or residential units within the parcel for recreational and/or conservation purposes, with each lot subject to a proportionate charge for its share of the reasonable and appropriate maintenance expenses. The Town shall

be granted an easement or restriction over such parcel sufficient to ensure its perpetual reservation for conservation, recreation or park land.

III-2.F SINGLE FAMILY TOWN HOUSE CLUSTER DEVELOPMENT

1. PURPOSE AND INTENT:

To permit more economical and efficient use of residential land than may be accomplished through standard subdivision development by: protecting the existing character of the landscape, introducing some variety into residential development, and preserving for the Town more open space for water supply; flood protection; woodland, field and wetland habitat; conservation; and recreation. Such objectives may be obtained as an alternative or optional choice by a landowner in certain residential districts.

2. APPLICABILITY

The Planning Board may grant a Site Plan Approval in accordance with Section VI-DD & VI-EE of these by-laws for the construction and occupancy of a Single Family Town House Cluster Development located in the RS-B, RS-D or RS-E Districts, provided that the gross land area of the parcel is at least 1,000,000 square feet. The applicant must either own or submit authorization in writing to act for all the owners of the lots comprising the parcel.

Two or more adjacent parcels, each of which contain 1,000,000 square feet, which are separated by a distance of 100 feet, or less, may be combined and treated as a single parcel for the purposes of this section.

3. ALLOWED USES:

The following uses may be undertaken under the alternative procedure and requirements provided for in Section III-2.F upon Site Plan Approval by the Planning Board in accordance with the provisions and requirements of Section VI-DD & VI-EE of these Zoning By-laws:

- a. Any use permitted in the RS District as set forth in Section III-A.2;
- b. Town Houses, provided that the total number of Town House units does not amount to more than thirty-five (35 per cent) per cent of the total number of dwelling units allowable in the entire cluster development pursuant to Section III-2. F-7; and

c. Zero-lot-line single family homes, provided that the total number of Single Family homes so attached plus the total number of Town House units does not amount to more than thirty-five (35 percent) per cent of the total number of dwelling units allowable in the entire cluster development pursuant to Section III-2F-7.

As used herein, "zero-lot-line" shall mean the joining of two dwelling units together at a common property line by reducing the normal required side yard to zero on each lot and then attaching the units by a common wall located on the property line; no more than two units may be joined at a single property line, and no more than three units may be so attached in a row.

d. Existing Residential Buildings: Any residential building existing prior to January 1, 1980 which contains 4,000 square feet or more gross floor area may be subdivided into residential units having at least 2,000 square feet each, provided that the building is not expanded in size. However, in no event shall the Planning Board permit the number of these additional units, when added to the number of units determined in accordance with Section III-2F.6, to increase the latter by more than fifteen (15%) percent. Such units shall be in addition to the number of dwelling units calculated under Section III-2.F-7.

4. PROCEDURES:

The procedures to be followed in obtaining approval for the alternative Cluster Development are:

a. PRE-APPLICATION REVIEW:

To promote better communication and to avoid misunderstanding, the applicant is encouraged, prior to preparation of a formal application, to meet with the Planning Board and Planning Director for general discussion, using the soil survey, drainage, topographic and other data available from the Town.

b. FORMAL APPLICATION:

The applicant for a Single Family Town House Cluster Development shall submit to the Planning Board a formal application for a Site Plan Approval, which includes an Overall Development Plan, and is otherwise in compliance with Rules and Regulations especially established by the Planning Board relative thereto. The application shall be filed in the name of the record owner(s) of the parcel(s) to be developed. Date of application shall be the date when filing is made with the Planning Board.

c. FURTHER PROCEDURES:

The hearing and further proceedings regarding the application shall be in accordance with M.G.L. Chapter 40A. The Planning Board may adopt Rules and Regulations for the proceedings under Section III.2F., so far as apt, in accordance with 41 M.G.L. 81Q; and may waive strict compliance therewith, so far as apt, in accordance with 41 M.G.L. 81R.

5. CRITERIA:

Approval of the application for a Site Plan Approval to allow the construction of a Single Family Town House Cluster Development shall be granted only upon Planning Board determination that the plan is superior to a conventional subdivision plan.

a. The following criteria shall be used to make the determination as to whether or not the plan is superior:

1. The preservation and accessibility of open space for conservation or recreation;
2. The protection of significant natural features of the land;
3. The protection of historical or other significant features;
4. More efficient provision of street, utilities and other public services.

b. Specific means of achieving these objectives include:

1. Avoidance of frequent driveway openings onto through streets, or near street intersections;
2. Avoidance of extensive topographic change necessitating vegetation and tree removal;
3. Preservation of scenic views from public ways;
4. Preservation of natural landscape in large contiguous areas which are visible from roadways and residences, enhancing the likelihood of the continuation of existing ecosystems.

5. Accessibility of the Preserved Open Space to substantially all of the dwelling units;

6. Variations in lot sizes and building arrangements;

7. Use of Preserved Open Space - to protect significant natural environments such as but not limited to ground water recharge areas; wetlands that provide flood protection; stream valleys; outstanding vegetation; woodland; field and wetland habitat; or scenic spots; and - to avoid development on geologically unsuitable land;

Avoidance of access via existing minor streets servicing single family homes, especially where Town Houses are sited.

6. NUMBER OF DWELLING UNITS:

The maximum number of dwelling units allowed in a Single Family Town House Cluster Development Shall equal the "Net Usable Land Area" within the parcel divided by the minimum lot area requirements for a single family dwelling in that District as determined from Section IV-B of these By-laws then rounded to the nearest whole number. As used herein, "Net Usable Land Area" shall mean eighty (80 per cent) per cent of the resultant area obtained by subtracting seventy (70 per cent) per cent of the land area lying below the one hundred (100) year flood elevation as delineated on the Townwide Drainage Study maps by Coffin & Richardson Engineers (scale 1" equals 100') and fifty (50 percent) percent of the primary zone wetland area (also as shown on said Townwide Drainage Study maps) which is shown outside the limits of the one hundred (100) year flood elevation from the gross land area of a parcel or portion thereof classified within a single zoning district. If the Overall Development Plan lies in more than one zoning district, the number of dwelling units allowed shall be calculated as above for that portion of the parcel in each of the zoning districts separately and the resultant determinations added together to give an overall allowable total number of dwelling units for the parcel. Dwelling units may be transferred between zoning districts, being limited only by the overall allowable total and by the design restriction of the Overall Development Plan for the parcel.

7. INTENSITY REGULATIONS:

Dwellings shall be on designated building lots with dimensional control varying from those otherwise permitted in the District as follows:

1. If in the RS-E or RS-D Districts, single family houses shall meet the requirements for the RS-B Districts;

2. If in the RS-B District; single family homes shall meet the requirements for the RS-C District;

3. Town Houses located in the RSB, RSD or RSE districts shall be on lots meeting the minimum lot area requirements of the RM Districts as set out in Section IV-B of these By-Laws and footnotes (d) thereto. The minimum lot frontage shall be eighty (80) feet, providing that a front building line is designated on the Overall Development Plan for such lot and the width of the lot at this building line is at least one hundred twenty (120) feet. However, no Town House within the Overall Development Plan shall contain more than three (3) dwelling units. Furthermore, the lot lines of each lot containing Town Houses in the Overall Development Plan Shall be separated from the lot lines of any other lot containing Town Houses by at least fifty feet (50').

All Town Houses and above-ground structures or facilities related thereto and used in support thereof, including Town House parking, shall be set back at least one hundred (100) feet from the boundaries of the Overall Development Plan and all Town Houses shall be located at least two hundred (200) feet from all single family homes not located within the Overall Development Plan.

4. Exceptions to the otherwise applicable Intensity Regulations and to the otherwise applicable General Requirements of article IV-A are:

- (i) More than one one Town House may be erected on a lot.
- (ii) No building or parking shall be located within one hundred (100') feet of the boundaries of the Overall Development Plan;
- (iii) Frontage need not exceed fifty (50') feet on any lot for a single family home providing a front building line is designated on the Plan for such lot, and if the width of the lot at this building line is at least equal to the frontage otherwise required under this Section; and
- (iv) No construction shall take place within the one hundred (100) year flood elevation except in conformity with the requirements of Chapter 131, Section 40, and procedures established by the Town for such areas pursuant to the National Flood Insurance Program (42 USC 4001-4128) and the Regulations of the Secretary of Housing and Urban Development issued thereunder.
- (v) Subject to the limitations of Sections III-2.F.3. (b) and (c), dwelling units which would otherwise qualify as Town Houses on an

RM minimum sized lot and meet the intensity regulations of Section III 2.F.7. (3) for Town Houses may instead be divided into zero-lot-line single family homes provided that each lot resulting from the division of the RM lot has at least fifty (50) feet of frontage and meets the minimum lot area requirements of Section III-2 F. 7 for single family homes, and the unattached sides of such units meet the side yard setbacks otherwise required under this Section.

(Art. 50, Spring A.T.M., 4/17/97)

8. PRESERVED OPEN SPACE

In Single Family Town House Developments, it is desired to create an environment in which preserved open space is intermixed with housing. Preserved open space must include at least twenty (20 per cent) per cent of the frontage on the roads servicing the Development. A portion of the preserved open space may be used as a common surrounded by a one-way road, in which event all of the road abutting such common will be counted as frontage for the purpose of fulfilling the foregoing requirement. The preserved open space shall comprise not less than thirty (30 per cent) per cent of the total land area of the parcel for which there is an Overall Development Plan. At least eighty (80 per cent) per cent of the dwelling units shall abut or be within three hundred (300') feet of the preserved Open Space and have access via a public way or easement for a distance of no more than one hundred (100') to such Preserved Open Space. At least fifty (50 per cent) per cent of the Preserved Open Space shall not be primary zone wetlands or land within the 100 year flood elevation both as shown on the Townwide Drainage study maps unless a higher percentage is specifically approved by the Planning Board. The Special Permit authorizing the Cluster Development shall further provide that the Preserved Open Space shall be:

- (a) Conveyed to and accepted by the Town of Natick under a conservation restriction pursuant to M.G.L. Chapter 184, as amended;
- (b) Conveyed to a non-profit organization, the principal purpose of which is the conservation of open space ; or
- (c) Conveyed to the owners of all the lots within the Overall Development Plan as tenants in common, provided that title to such open space and to the lots is not separately alienable; or
- (d) Conveyed to a corporation or trust owned or to be owned, by the owners of the lots or residential units within the parcel for recreation or conservation purposes, with each lot subject to a proportionate charge

for its share of the reasonable and appropriate maintenance expenses.

If any of methods (b) , (c), or (d) is elected, in addition, the Town shall be granted an easement or restriction over such parcel sufficient to ensure its perpetual reservation for conservation, recreation or park land; and in the event the Town is required to expend funds for the reasonable and appropriate maintenance expenses of the Preserved Open Space, then each lot in the Overall Development Plan shall be subject to a proportionate charge for its share of such expenses.

Ed. Note: Portions of this Section, III-2.F., have been renumbered for the convenience of the reader. As passed by Town Meeting, the Sub-sections entitled Procedures, Criteria, Number of Dwelling Units, and Intensity Regulations were numbered 5, 6,7, and 8 respectively. The previous section 4 as printed in the Warrant for STM #2, 1980, June 17, 1980 was deleted by Town Meeting Action. Also, the Subsection entitled "Preserved Open Space" was designated as sub-section (a) in the warrant.

III-3. F SINGLE - FAMILY TOWN HOUSE CLUSTER DEVELOPMENT-- RSC DISTRICT

1. PURPOSE AND INTENT:

To permit more economical and efficient use of residential land than may be accomplished through standard subdivision development by: protecting the existing character of the landscape, introducing some variety into residential development, and preserving for the Town more open space for water supply; flood protection, woodland, field and wetland habitat; conservation; and recreation. Such objectives may be obtained as an alternative or optional choice by a land-owner in the RSC residential districts.

2. APPLICABILITY

The Planning Board may grant a Site Plan Approval in accordance with Section VI-DD and VI-EE of these by-laws for the construction and occupancy of a Single Family Town House Cluster Development located in the RS-C District, provided that the gross land area of the parcel is at least forty (40) acres. The applicant must either own or submit authorization in writing to act for all the owners to the lots comprising the parcel.

Two or more parcels, each of which contain 1,000,000 square feet, which are separated by a distance of 100 feet, or less, may be combined and treated as a single parcel for the purposes of this section.

3. ALLOWED USES

The following uses may be undertaken under the alternative procedure and requirements provided for in Section III-3. -F upon Site Plan Approval by the Planning Board in accordance with the provisions and requirements of Section VI-DD & VI-EE of these Zoning By-laws:

- a. Any use permitted in the RSC District as set forth in Section III-A.2;
- b. Town Houses, provided that the total number of Town House units does not amount to more than fifty (50 percent) percent of the total number of dwelling units allowable in the entire cluster development pursuant to Section III-3. F-7; and
- c. Zero-lot-line single family homes, provided that the total number of Single Family homes so attached plus the total number of Town House units does not amount to more than fifty (50 percent) of the total number of dwelling units allowable in the entire cluster development pursuant to Section III-2.F-7.

As used herein, "Zero-lot-line" shall mean joining of two, dwelling units together at a common property line by reducing the normal required side yard to zero on each lot and then attaching the units by a common wall located on the property line; no more than two units may be joined at a single property line, and no more than three units may be so attached in a row.

- d. Outdoor tennis courts, outdoor swimming pools and other outdoor recreational facilities intended for use by residents of the RSC Single Family Town House Cluster Development only, including accessory structures necessary for appropriate use and operation of such outdoor recreational facilities.
- e. In the event the owner or owners of land included in an Overall Development Plan which has received Site Plan Approval pursuant to Section III-2.F obtain a building permit to develop such land under the approved Overall Development Plan, then the uses permitted prior to approval of the Overall Development Plan for such land shall no longer be permitted, and only the uses as allowed under the approved Overall Development Plan shall be allowed.

4. PROCEDURES:

The procedures to be followed in obtaining approval for the alternative Cluster Development are:

a. PRE-APPLICATION REVIEW:

To promote better communication and to avoid misunderstanding, the applicant is encouraged, prior to preparation of a formal application, to meet with the Planning Board and Planning Director for general discussion, using the soil survey, drainage, topographic and other data available from the Town.

b. FORMAL APPLICATION:

The applicant for a Single Family Town House Cluster Development shall submit to the Planning Board a formal application for a Site Plan Approval, which includes an Overall Development Plan, and is otherwise in compliance with Rules and Regulations especially established by the Planning Board relative thereto. The application shall be filed in the name of the record owner (s) of the parcel (s) to be developed. Date of application shall be the date when filing is made with the Planning Board.

c. FURTHER PROCEDURES:

The hearing and further proceedings regarding the application shall be in accordance with M.G.L. Chapter 40A. The Planning Board may adopt Rules and Regulations for the proceedings under Section III. 3. F., so far as apt, in accordance with M.G.L. Chapter 41, Section 81Q; and may waive strict compliance therewith, so far as apt, in accordance with 41 M.G.L. 81R.

5. CRITERIA:

Approval of the application for a Site Plan Approval to allow the construction of a Single Family Town House Cluster Development shall be granted only upon Planning Board determination that the plan is superior to a conventional subdivision plan.

- a. The following criteria shall be used to make the determination as to whether or not the plan is superior:

1. The preservation and accessibility of open space for conservation or recreation;
 2. The protection of significant natural features of the land;
 3. The protection of historical or other significant features;
 4. More efficient provision of street, utilities and other public services;
 5. The provision of a diversity of dwelling unit styles and sizes.
- b. Specific means of achieving these objectives include:
1. Avoidance of frequent driveway openings onto through streets, or near street intersections;
 2. Avoidance of extensive topographic change necessitating vegetation and tree removal;
 3. Preservation of scenic views from public ways;
 4. Preservation of natural landscape in large contiguous areas which are visible from roadways and residences, enhancing the likelihood of the continuation of existing ecosystems;
 5. Accessibility of the Preserved Open Space to substantially all of the dwelling units;
 6. Variations in lot sizes, building styles, building sizes and building arrangements;
 7. Use of Preserved Open Space - to protect significant natural environment such as but not limited to ground water recharge areas; wetlands that provide flood protection; stream valleys; outstanding vegetation; woodland; field and wetland habitat; or scenic spots; and - to avoid development on geologically unsuitable land;
 8. Avoidance of access via existing minor streets servicing single family homes, especially where Town Houses are sited.

6. NUMBER OF DWELLING UNITS:

The maximum number of dwelling units allowed in a RSC Single Family Town House Cluster Development shall equal the "Net Usable Land Area"

within the parcel divided by the minimum lot area requirements for a single family dwelling in the RSC District, as determined from Section IV-B of these By-laws, then rounded to the nearest whole number. As used herein, "Net Usable Land Area: shall mean seventy-five (75%) percent of the resultant area obtained by subtracting one hundred (100%) percent of the land area lying below the one hundred (100) year flood elevation as delineated on the Townwide Drainage Study maps prepared by Coffin & Richardson Engineers (scale 1" equals 100') and one hundred (100) percent of the primary zone wetland area (also as shown on said Townwide Drainage Study maps) which is shown outside the limits of the one hundred (100) year flood elevation from the gross land area of parcel or portion thereof classified within a single zoning district. If the Overall Development Plan lies in more than one zoning district, the number of dwelling units allowed shall be calculated as above for that portion of the parcel in each of the zoning districts separately and the resultant determinations added together to give an overall allowable total number of dwelling units for the parcel. Dwelling units and other allowed uses may be transferred between zoning districts, being limited only by the overall allowable total and by the design restrictions of the Overall Development Plan for the parcel. Should the Town revise or amend the aforesaid Townwide Drainage Study maps, or adopt other such maps, then the maps then in effect shall be applicable as provided above.

7. INTENSITY REGULATIONS:

Dwellings shall be on designated building lots with dimensional control varying from those otherwise permitted in the District as follows:

1. Single family houses shall meet the requirements for the District in which they are located as set out in Section IV-3 of these By-laws.
2. Town Houses located in the RS-C District shall be on lots meeting the minimum lot area requirements of the RM District as set out in Section IV-B of these By-laws and footnotes (d) thereto. The minimum lot frontage shall be eighty (80) feet, providing that a front building line is designated on Overall Development Plan for such lot and the width of the lot at this building line is at least one hundred and twenty (120) feet. However, no Town House within the Overall Development Plan shall contain more than three (3) dwelling units. Furthermore, the lot lines of each lot containing Townhouses in the Overall Development Plan shall be separated from the lot lines of any other lot maintaining Town Houses by at least fifty feet (50').

All Town Houses and above-ground structures or facilities related thereto and used in support thereof, including Town House parking, shall be set back at least one hundred (100) feet from the boundaries

of the Overall Development Plan and all Town Houses shall be located at least two hundred (200) feet from all single family homes not located within the Overall Development Plan.

3. Exceptions to the otherwise applicable Intensity Regulations are:

- (i) More than one Town House may be erected on a lot.
- (ii) No building or parking shall be located within one hundred (100') feet of the boundaries of the Overall Development Plan;
- (iii) Frontage need not exceed fifty (50') feet on any lot for a single family home providing a front building line is designated on the Plan for such lot, and if the width of the lot at this building line is at least equal to the frontage otherwise required under this Section; and
- (iv) No construction shall take place within the one hundred (100) year flood elevation except in conformity with the requirements of Chapter 131, Section 40, and procedures established by the Town for such areas pursuant to the National Flood Insurance Program (42 USC 4001-4128) and the regulations of the Secretary of Housing and Urban Development issued thereunder.
- (v) Subject to the limitations of Sections III-3 F.3. (b) and (c) dwelling units which would otherwise qualify as Town Houses on an RM minimum sized lot and meet the intensity regulations of Section III-2.F.7. (3) for Town Houses, may instead be divided into zero-lot-line single family homes provided that each lot resulting from the division of the RM lot has at least fifty (50) feet of frontage and meets the minimum lot area requirements of Section III-3.F.7 for single family homes, and the unattached sides of such units meet the side yard setbacks otherwise required under this Section.
- (vi) Outdoor recreational facilities intended for use by residents of more than one dwelling unit shall be located on a separate lot containing no dwelling units.

8. PRESERVED OPEN SPACE

In Single Family Town House Developments, it is desired to create an environment in which preserved open space is intermixed with housing. Preserved open space must include at least twenty (20 percent) percent of the frontage on the roads servicing the Development. A portion of the preserved open space may be used as a common surrounded by a one-way road, in which event all of the road abutting such common will be

counted as frontage for the purpose of fulfilling the foregoing requirement. The preserved open space, including land used for outdoor recreational facilities and accessory structures pursuant to Section III-3. F.3. (e), shall comprise not less than thirty (30 percent) percent of the total land area of the parcel for which there is an Overall Development Plan. At least eighty (80 percent) percent of the dwelling units shall abut or be within five hundred (500') feet of the Preserved Open Space and all dwelling units shall have access via a public way or easement to such Preserved Open Space. At least fifty (50 percent) percent of the Preserved Open Space shall not be primary zone wetlands or land within the 100 year flood elevation both as shown on the Townwide Drainage study maps unless a higher percentage is specifically approved by the Planning Board. The Special Permit authorizing the Cluster Development shall further provide that the Preserved Open Space shall be:

- (a) Conveyed to and accepted by the Town of Natick under a conservation restriction pursuant to M.G.L. Chapter 184, as amended;
- (b) Conveyed to a non-profit organization, the principal purpose of which is the conservation of open space; or
- (c) Conveyed to the owners of all the lots within the Overall Development Plan as tenants in common, provided that title to such open space and to the lots is not separately alienable; or
- (d) Conveyed to a corporation or trust owned or to be owned, by the owners of the lots or residential units within the parcel for recreation or conservation purposes, with each lot subject to a proportionate charge for its share of the reasonable and appropriate maintenance expenses. If method (b), (c), or (d) is elected, in addition, the Town shall be granted an easement or restriction over such parcel sufficient to ensure its perpetual reservation for conservation, recreation or park land; and in the event the Town is required to expend funds for the reasonable and appropriate maintenance expenses of the Preserved Open Space, then each lot in the Overall Development Plan shall be subject to a proportionate charge for its share of such expenses. No more than one method shall be elected for the Preserved Open Space within any Overall Development Plan, unless the Planning Board shall otherwise approve.

III-4.F CLUSTER DEVELOPMENT AP AND PCD DISTRICTS

1. PURPOSE AND INTENT - AP DISTRICTS

To permit an alternative use for land zoned for office use by allowing multifamily clustered residential development; preserving for the Town more open space, providing additional housing stock; and enabling the creation of some recreational space in such development; aiding in the preservation of the Town water supply; flood protection, woodland, field and wetland habitat, and conservation. Such objectives may be obtained as an alternative optional choice by a landowner in the AP District.

2. APPLICABILITY - AP DISTRICTS

The Planning Board, acting as the SPGA, may grant Site Plan Approval in accordance with Section VI-DD of these bylaws for the construction and occupancy of a Cluster Development located in the AP District, provided that the gross land area of the parcel seeking such alternative development is at least 30,000 square feet. The applicant must either own, or submit the authorization in writing to act for all of the owners of the lots included in the parcel for which cluster development is sought.

3. ALLOWED USES - AP DISTRICTS

The following uses may be undertaken under the alternative procedure and requirements provided for under this Section III-4.F upon Site Plan Approval by the Planning Board in accordance with the provisions and requirements of Section VI-DD of these Zoning By-laws:

a. The following uses as set forth in Section III-A.2:

Use No. 1,3,5 (further provided that sufficient parking area exists on the lot in question to allow for off-street parking and free access of all such parked vehicles to and from the site without requiring the movement of any parked vehicle, or at least two vehicles per dwelling unit), 9, 35, 54* and 55*. (*Art. 2, 1986 STM#2)

b. Town Houses.

4. EXCLUSIVE ELECTION - AP DISTRICTS

In the event that the owner or owners of land included in an Overall Development Plan which has received Site Plan Approval pursuant to this Section III-4.F obtain a building permit to develop such land as a cluster development, then the uses normally permitted or allowed in an AP District for such land shall no longer be permitted or allowed, and only the uses as allowed under the approved Overall Development Plan may be

constructed or enjoyed on the land shown in the Overall Development Plan.

5. PROCEDURES - AP DISTRICTS

The procedures to be followed in obtaining approval for the alternative cluster development in an AP District are:

a. PRE-APPLICATION REVIEW

To promote better communication and to avoid misunderstandings, the applicant is encouraged, prior to preparation of a formal application, to meet with the Planning Board and Planning Director for general discussion using the soil survey, drainage, topographic and other data available from the Town.

b. FORMAL APPLICATION

The applicant for a cluster development in an AP District shall submit to the Planning Board a formal application for a site plan approval, which includes an Overall Development Plan, and is otherwise in compliance with Rule and Regulations especially established by the Planning Board relative thereto. The application shall be filed in the name of the record owner(s) of the parcel(s) to be developed. Date of application shall be the date when filing is made with the Planning Board.

c. FURTHER PROCEDURES

The Site Plan Review hearing and further proceedings regarding the application shall be in accordance with M.G.L. Chapter 40A. The Planning Board may adopt Rules and Regulations for the proceedings under Section III-4.F, in accordance with the appropriate Chapters and Sections of the Massachusetts General Laws.

6. CRITERIA - AP DISTRICTS

Approval of the application for a Cluster Development Site Plan Approval shall be granted only upon Planning Board determination that the Plan is superior to that which might be developed under the regulations for the AP zoning district.

- a. The following criteria shall be used to make the determination as to whether or not the plan is superior:

- (1) the preservation and accessibility of open space for conservation or recreation;
- (2) the protection of significant natural features of the land;
- (3) the protection of historical or other significant features;
- (4) more efficient provision of street, utilities and other public services; or lowered impact thereon;
- (5) the provision of a diversity of dwelling unit styles, sizes, locatin and arrangement
- (6) other similar criteria.

b. Some specific means of achieving these objectives include:

- (1) avoidance of frequent driveway openings onto through streets, or near street intersections;
- (2) avoidance of extensive topographic change, necessitating vegetation and tree removal;
- (3) increased vegetation and plantings to enhance the site;
- (4) preservation of scenic views from public ways;
- (5) creation of a more interesting and attractive arrangement of permitted structures;
- (6) accessibility of the Open Space to all inhabitants of the development;
- (7) variations in lot sizes, building styles, building sizes and building arrangements;
- (8) avoiding development on geologically unsuitable land.

7. NUMBER OF DWELLING UNITS - AP DISTRICTS

The maximum number of dwelling units allowed in a AP Cluster Development shall equal the "net usable land area" as defined herein divided by 5,000, rounded to the next whole number. Provided that the resident parking required by Section V-D.3 for each such unit is provided for in a garage, the maximum number of dwelling units shall be calculated by dividing the net usable land area by 3500, rounded to the next highest whole number. As used in this paragraph "net usable land area" shall mean one hundred (100%) percent of the resultant area obtained by subtracting (a) one hundred (100%) percent of the land area lying below the one hundred (100) year flood elevation as delineated on the Townwide Drainage Study maps as prepared by Coffin & Richardson Engineers (or as said maps may be revised, amended or other similar maps substituted), and (b) one hundred (100%) percent of the primary zone wetland area (also as shown on said Townwide Drainage Study maps) which is shown outside the limits of the one hundred (100) year flood elevation from the gross land area of the parcel or portion thereof for which Site Plan approval is sought. If the Overall Development Plan

covers land lying in more than one zoning district, all of which districts permit alternative cluster development, the number of dwelling units allowed shall be calculated as provided in these Zoning Bylaws for each portion of the parcel in each of the zoning districts separately and the resultant determinations shall be added together to give an overall allowable total number of dwelling units for the parcel. Dwelling units and other allowed uses may be transferred between zoning districts included in the parcel for which Site Plan Approval is sought, being limited only by the overall allowable total, and by the design restrictions of the Overall Development Plan as approved.

8. INTENSITY REGULATIONS - AP DISTRICTS

The following regulations shall apply to the Cluster Development permitted in the AP District:

1. Single family houses shall meet the requirements of the RSA zoning district as set forth in Section IV-D of these Bylaws, except that the minimum frontage and depth of a lot may be 100 feet.

2. Multi-family structures shall be on lots having the following requirements:

Minimum lot area-----	30,000 square feet
Continuous frontage -----	minimum of 120 feet
Minimum depth -----	140 feet
Minimum setback, front -----	30 feet
Minimum sideyard setback----	20 feet
Minimum rearyard setback----	25 feet
Maximum building coverage---	25%
Maximum building height -----	2-1/2 stories or 35 ft.

9. OPEN SPACE – AP AND PCD DISTRICTS

In an AP District at least thirty five (35%) percent of the total land area of the parcel for which alternative development as a Cluster Development is desired hereunder, shall be preserved open space. All dwelling units shall abut such open space or be accessible thereto via a public way or easement. At least fifty (50%) percent of the open space shall not be primary zone wetlands or land within the 100 year flood elevation as hereto described. However, the Planning Board may waive or increase this requirement for a meritorious plan. The Special Permit authorizing the Cluster Development shall further provide that the open space shall be either:

- (a) Conveyed to and accepted by the Town of Natick under a conservation restriction pursuant to M. G. L. Chapter 184, as amended; or
- (b) Conveyed to a non-profit organization, the principal purpose of which is the conservation of the open space; or
- (c) Conveyed to the owners of all of the lots within the Overall Development Plan as tenants in common , provide that title to such open space and to the lots is not separately alienable; or
- (d) Conveyed to a corporation or trust owned or to be owned by the owners of the lots or residential units within the parcel for recreation or conservation purposes, with each lot subject to a proportionate charge for its share of the reasonable and appropriate maintenance expenses.

If any of the methods (b), (c), or (d) is elected, in addition, the Town shall be granted an easement or restriction over such parcel sufficient to ensure its perpetual reservation for conservation, recreation or park land; and in the event the Town is required to expend funds for the reasonable and appropriate maintenance expenses of the Open Space, then each lot in the Overall Development Plan shall be subject to a proportionate charge for its share of the expenses. No more than one method shall be elected for the Open Space within any Overall Development Plan, unless the Planning Board shall approve otherwise. Designation of the method selected shall appear on the Overall Development Plan, and appropriate documents conveying such Open Space in accordance to the foregoing shall be delivered to the Planning Board prior to the issuance of any Building Permit.

(Art. 3, S.T.M. #2, 10/10/00)

III-5. F COMPREHENSIVE CLUSTER DEVELOPMENT OPTION

1. PURPOSE AND INTENT:

The Comprehensive Cluster Development (CCD) option is designed to help the Town maximize available land for open space, increase the amount of affordable housing, encourage the creation of handicapped accessible housing and provide both age-qualified housing and conventional housing while preserving Natick's New England character.

This development alternative permits a more economical and efficient use of residential land than may be accomplished through standard

subdivision development by: protecting the existing character of the landscape; introducing diversity into residential developments; and preserving more public open space for water supply, wetland, and other natural habitat, conservation, and recreation. In addition, it reduces the typical costs of providing municipal services to residential developments. Such objectives may be obtained as an alternative or optional choice by a landowner in the Residential Single-B (RSB) District.

Applicants can benefit from choosing this option because they are able to increase the density of their development over other available options in the RSB district.

2. APPLICABILITY

The Planning Board may grant a Special Permit, Site Plan Approval in accordance with Section VI-DD and VI-EE of these by-laws and subdivision approval in accordance with the subdivision rules and regulations, and other rules and regulations as adopted pursuant to Section III-5.F.4(c) herein, for the construction and occupancy of a CCD located in the RSB District, provided that the gross land area of the parcel is at least one million (1,000,000) square feet. The applicant must either own or submit authorization in writing to act for all the owners to the lots comprising the parcel prior to submitting a formal application.

3. PERMITTED AND ALLOWED USES

The Planning Board, acting as a Special Permit Granting Authority as hereinafter provided, may grant a special permit pursuant to the provisions of the By-Law and M.G.L. Chapter 40A for the following uses:

- a. Single family homes which meet the dimensional requirements of single family lots as stated in Section III-5.F.7(a) herein.
- b. Town Houses, provided that the total number of Town House units does not exceed fifty-five (55) percent of the total number of units permitted for the entire CCD pursuant Section III-5.F.6 herein.
- c. Indoor & outdoor tennis courts, swimming pools and other non-commercial recreational facilities with use restricted to residents of the CCD, including accessory structures necessary for appropriate non-commercial use and operation of such recreational facilities.
- d. Age-qualified housing units, provided that the total number of age-qualified housing units does not exceed fifty-five (55) percent of the total number of units permitted for the entire CCD pursuant Section III-5.F.6 herein.

- e. The Planning Board may adopt regulations further providing for the relative percentage mix of single family homes, Town Houses, and age-qualified housing units.

4. PROCEDURES:

The procedures to be followed in obtaining approval for the CCD are:

- a. Pre-Application: To promote better communication and to avoid misunderstanding, the applicant shall request a pre-application review at a regular business meeting of the Planning Board. The Planning Board shall invite the Conservation Commission, Board of Health and any other Committee and/or Board with interest in the proposal to the pre-application review. The purpose of a pre-application review is to minimize the applicant's costs of engineering and other technical experts and to commence negotiations with the Planning Board at the earliest possible time in the development cycle. At the pre-application review, the applicant may outline the proposal, seek preliminary feedback from the Planning Board and/or its technical experts, and set a timetable for submittal of a formal application. At the request and expense of the applicant, the Planning Board may engage technical experts to review the informal plans of the applicant and to facilitate submittal of a formal application for approval of a CCD.

In order to facilitate review of the CCD at the pre-application stage, applicants are strongly encouraged to submit the following information:

- i. Site Context Map. This map illustrates the parcel in relation to its surrounding neighborhood. Based upon existing data sources and field inspections, it should show various kinds of major natural resource areas or features that cross parcel lines or that are located on adjoining lands. This map enables the Planning Board to understand the site in relation to what is occurring on adjacent properties.
- ii. Existing Conditions/Site Analysis Map. This map familiarizes officials with existing conditions on the property. Based upon existing data sources and field inspections, this base map locates and describes noteworthy resources that should be left protected through sensitive subdivision layouts. These resources include wetlands, riverfront areas, floodplains and steep slopes, but may also include mature un-degraded woodlands, hedgerows, farmland, unique or special wildlife

habitats, historic or cultural features (such as old structures or stone walls), unusual geologic formations and scenic views in to and out from the property. By overlaying this plan onto a development plan, the parties involved can clearly see where conservation priorities and desired development overlap and/or conflict.

Applicants are encouraged to request a site visit by the Planning Board and/or its agents in order to facilitate the pre-application review of the CCD.

- b. Formal Application: The applicant for a CCD shall submit to the Planning Board a formal application for a Special Permit which includes a Final Site Plan in accordance with Section VI-DD.3 and a definitive plan for subdivision approval, and which is otherwise in compliance with Rules and Regulations especially established by the Planning Board relative thereto. The application shall be filed in the name of the record owner(s) of the parcel(s) to be developed. The date of application shall be the date when filing is made with the Planning Board.
- c. Further Procedures: The hearing and further proceedings regarding the application shall be in accordance with M.G.L. Chapter 40A; M.G.L. Chapter 41, Section 81K et seq; and the Town of Natick By-laws. The Planning Board may adopt Rules and Regulations for the proceedings under Section III-5.F, and in accordance with M.G.L. Chapter 41, Section 81A, and 81Q; and may waive strict compliance therewith, in accordance with M.G.L. Chapter 41, Section 81R.

5. CRITERIA:

Approval of the application for a Site Plan Approval and for subdivision approval to allow the construction of a CCD shall be granted only upon Planning Board determination that the plan is superior to a conventional subdivision plan.

- a. The following criteria shall be used to make the determination as to whether or not the plan is superior:
 - i. The preservation and public accessibility of open space for conservation or recreation and other objectives outlined in the town's current Open Space Plan;
 - ii. The protection of significant large contiguous areas of natural features of the land; which would avoid extensive topographic

change necessitating vegetation and tree removal or earth removal;

- iii. The protection of historical or other significant features;
 - iv. More efficient provision of street, utilities and other public services; and
 - v. The provision of a diversity of dwelling unit styles, sizes, and architectural elements.
- b. Specific means of achieving these objectives include:
- i. Avoidance of frequent driveway openings onto through streets, or near street intersections;
 - ii. Avoidance of extensive topographic change necessitating vegetation, earth and/or tree removal;
 - iii. Preservation of scenic views from public ways;
 - iv. Preservation of natural landscapes in large contiguous areas and corridors, which are visible from roadways and residences, enhancing the likelihood of the continuation of existing ecosystems and providing an interconnection to adjoining open spaces for both wildlife and public access;
 - v. Accessibility of the Preserved Open Space to substantially all of the dwelling units and the public;
 - vi. Variations in lot sizes, building styles, building sizes and building arrangements; and
 - vii. Use of Preserved Open Space - to protect significant natural environment such as but not limited to ground water recharge areas; wetlands that provide flood protection; stream valleys; outstanding vegetation; woodland; field and wetland habitat; or scenic spots; and - to avoid development on geologically unsuitable land.

6. NUMBER OF DWELLING UNITS:

The maximum number of dwelling units allowed in a CCD shall equal the "Net Usable Land Area" within the parcel divided by 15,000 square feet then rounded to the nearest whole number. At least ten percent (10%) of this total number of dwelling units shall be Affordable Housing

Units as defined in Section 200 herein (see also the definition of Subsidized Housing herein).

As used herein, "Net Usable Land Area": shall mean eighty percent (80%) of the resultant area obtained by subtracting the required preserved open space, as defined in Section III-5.F.12 from the gross land area of the parcel. Additionally, if the sum of the land area lying below the 100-year flood elevation and the wetland resource area, as defined in Section III-5.F.12, exceeds twenty five (25) percent of the gross land area of the parcel, then the Net Usable Land Area will further be reduced by the amount that this sum exceeds the twenty five (25) percent threshold. Furthermore, if the Final Site Plan includes a recreational facility, all the land area dedicated to that facility will be deducted from the "net usable land area" for the purpose of calculating the maximum number of dwelling units.

7. INTENSITY REGULATIONS

- a. Single -family structures shall be on lots having the following requirements:

- | | |
|---|--------------------------|
| i. Minimum lot area | 20,000 square feet |
| ii. Continuous frontage | minimum of 120 feet |
| iii. Minimum depth | 125 feet* |
| iv. Minimum setback, front | 30 feet with garage |
| v. Minimum side-yard setback | 12 feet |
| vi. Minimum rear-yard setback | 25 feet |
| vii. Maximum building coverage | 20% |
| viii. Maximum building height | 2 & ½ stories or 35 feet |
| ix. *subject to waiver, see Section II-5.F.8e | |

- b. Town Houses shall be built on separate Town House lot(s), with each such Town House lot consisting of at least 7,000 square feet of land times the number of dwelling units to be built on that lot. Access to the lot shall be built from a right of way, having at least fifty (50) feet of width. All Town Houses shall be built at least fifty (50) feet from the lot lines of the Town House lot and shall have a maximum building height of 35 feet.* If the Town House lot abuts any portion of the exterior boundary of the overall development parcel, the setback requirements of Section III-5.F.8a shall apply.

8. EXCEPTIONS TO THE OTHERWISE APPLICABLE INTENSITY REGULATIONS

- a. No building or parking shall be located within one hundred (100) feet of the boundaries of the parcel unless the Planning Board

determines that a lesser setback would be sufficient to visually screen or separate the development from adjacent property, however, under no circumstances will the setback be less than fifty (50) feet.

- b. No construction shall take place within the one hundred (100) year flood elevation line except in conformity with the requirements of M.G.L. Chapter 131, Section 40, and procedures established by the Town for such areas pursuant to the National Flood Insurance Program (42 USC 4001-4128) and the regulations of the Secretary of Housing and Urban Development issued thereunder.
- c. Frontage need not exceed fifty (50) feet on any lot for a single family home providing a front building line is designated on the plan for such lot, and if the width of the lot at this building line is at least equal to the frontage otherwise required under this section.
- d. Indoor and outdoor recreational facilities intended for use by CCD residents of more than one dwelling unit shall be located on a separate lot containing no dwelling units.
- e. The depth of the lots as delineated in Section III-5.F.7 (a) may be reduced, if in the opinion of the Planning Board that a waiver would improve the layout of the overall plan.

9. AGE-QUALIFIED HOUSING UNITS

The age-qualified housing units shall be subject to an age restriction described in a deed, deed rider, restrictive covenant, or other document that shall be recorded at the Registry of Deeds or the Land Court. The age restriction shall require at least one occupant in each age-qualified housing unit to be at least age 55; provide for reasonable, time-limited guest visitation rights; and authorize special exceptions as the Planning Board shall further define and specify in its special permit. The age restriction shall run with the land in perpetuity and shall be enforceable by any or all of the owners of the age qualified housing units.

10. AFFORDABILITY

It is mandatory that a percentage of dwelling units in a CCD be sold, rented, or leased at prices and rates that are affordable to low- and moderate-income individuals, as more specifically set forth in the following:

- a. Affordable Housing shall be determined in accordance with the definition of Subsidized Housing found in Section 200. All

Affordable Housing units that are built shall be provided for sale through the Natick Housing Corporation or any similar organization, as determined by the Planning Board.

- b. Basic Affordability Component – At least 10% of the units in the CCD, to the nearest whole number, shall be Affordable Housing units. None of the Affordable Housing units shall be age-qualified housing units.
- c. Affordability Standards – Subject to Planning Board approval, an applicant for a CCD special permit may utilize any available State or Federal assistance program or shall meet the Affordable Housing unit requirements by utilizing income and asset standards, and by establishing rents, leases, sales prices, entry fees, condominium fees, and other costs for individuals that are generally consistent with available Affordable Housing assistance programs.
- d. Affordability Restrictions – affordable units shall be maintained in perpetuity. Each affordable unit shall be rented or sold to its initial and all subsequent buyers or tenants subject to deed riders, restrictive covenants, contractual agreements, or other mechanisms restricting the use and occupancy, rent levels, sales prices, resale prices, and other cost factors to assure their long term affordability. These restrictions shall be in force for such maximum time as may be permitted under applicable state law governing such restrictions. They shall be enforceable and renewable by the Town of Natick through standard procedures provided by applicable law.
 - i. The Planning Board may require that the restrictions for affordable units contain a right of first refusal to the Town of Natick or its designee at the restricted resale value, and that the owner provides notice of such right of first refusal to the Planning Board or its designee prior to selling or reselling the affordable unit with such reasonable time as the Planning Board may determine in its discretion for the town or its designee is necessary to exercise the right of first refusal.
 - ii. Nothing in this Section shall be construed to cause eviction of an owner or tenant of an Affordable Housing unit due to loss of his/her income eligibility status during the time of ownership or tenancy. Rather, the restrictions governing an Affordable Housing unit shall be enforced upon resale, rental, or re-lease of the Affordable Housing unit. The

mechanisms and remedies to enforce the restrictions governing an Affordable Housing unit upon resale, re-rental, or re-lease shall be set forth in its deed restrictions.

- iii. All contractual agreements with the Town of Natick and other documents necessary to insure the long term affordability of an affordable unit shall be executed prior to the issuance of any building permit under this option.
- e. The exterior of the affordable units shall be compatible with, and as much as possible indistinguishable from, market-rate dwelling units in the CCD development.
- f. Local Preference – Unless otherwise regulated by an applicable Federal or State agency under a financing or other subsidy program, at least fifty percent (50%) of the affordable units shall be initially offered to residents and employees of the Town of Natick.
 - i. Residency and employment in Natick shall be established through Town Clerk certification based on the Town Census, voter registration, or other acceptable evidence approved by the Town Clerk.
 - ii. Purchaser/tenant selection – Procedures for the selection of purchasers and/or tenants shall be subject to regulations adopted by the Planning Board .
 - iii. These restrictions shall be in force for one hundred and twenty (120) days from the date of the first offering of sale or rental of a particular affordable unit.

11. BUILDING DESIGN CRITERIA

All buildings and structures shall be designed, located and constructed to afford the following:

- a. Compatibility of architectural styles, scales, building materials and colors within the development;
- b. Variations in façade, roof lines and interior layouts of dwelling units, including the design of units that are handicapped accessible;
- c. Harmonious relationship of buildings and structures to each other and their environs with adequate light, air, circulation, privacy and separation; and

- d. The capability for constant surveillance, orientation and recognition; to this end, and in lieu of providing conventional street lighting, individual building lot front yards and other areas along roadways not fronting building lots and approaches to common-use buildings and structures, shall be provided with architecturally compatible street-level-type lamp post lighting necessary to provide safety, security and visual indications, as determined by the Planning Board.

12. PRESERVED OPEN SPACE

In Comprehensive Cluster Developments, it is desired to create an environment in which large tracts of contiguous land are preserved for publicly accessible open space. Preserved open space must include at least twenty percent (20%) of the frontage on the roads servicing the CCD. A portion of the preserved open space may be used as a common surrounded by a one-way road, in which event all of the road abutting such common will be counted as frontage for the purpose of fulfilling the foregoing requirement.

For the purposes of this section, the preserved open space shall comprise not less than fifty (50) percent of the total land area of the parcel for which there is a Final Site Plan and will not include rights of way for roads, detached single-family lots, Town House lots or recreational facilities as defined in Section III-5.F.3(c). Also, land which is under an existing conservation restriction or agricultural, forest land, or recreational restriction, (APR or Chapter 61, Chapter 61A, Chapter 61B) may not be included in the preserved open space. At least eighty percent (80%) of the dwelling units shall abut or be within five hundred (500') feet of the Preserved Open Space and all dwelling units shall have access via a public way or easement to such Preserved Open Space. At least fifty percent (50%) of the Preserved Open Space shall not be primary zone wetlands or land within the 100-year flood elevation either as shown on the Townwide Drainage study maps or as delineated by a qualified wetland scientist. All the Preserved Open Space shall be accessible to the general public. The Special Permit authorizing the CCD shall further provide that the Preserved Open Space shall be:

- a. Conveyed to and accepted by the Town of Natick under a conservation restriction pursuant to M.G.L. Chapter 184, as amended;
- b. Conveyed to a non-profit organization, the principal purpose of which is the conservation of open space; or

- c. Conveyed to the owners of all the lots within the CCD as tenants in common, provided that title to such open space and to the lots is not separately alienable; or
- d. Conveyed to a corporation or trust owned or to be owned, by the owners of the lots or residential units within the CCD for recreation or conservation purposes, with each lot subject to a proportionate charge for its share of the reasonable and appropriate maintenance expenses.
- e. If method (b), (c), or (d) is elected, in addition, the Town shall be granted a conservation restriction over the Preserved Open Space pursuant to M.G.L. Chapter 184, as amended; and in the event the Town is required to expend funds for the reasonable and appropriate maintenance expenses of the Preserved Open Space, then each lot in the CCD shall be subject to a proportionate charge for its share of such expenses. No more than one method shall be elected for the Preserved Open Space within any CCD, unless the Planning Board shall otherwise approve.

(Art. 4, S.T.M. #2, 12/03/02)

III-G.1 HIGHWAY MIXED USE - III (HM-III) DISTRICT USE REGULATIONS:

1. PERMITTED USES; SITE PLAN REVIEW:

Use Nos. 1, 3, 5, 9 and 46C as set forth in Section III-A.2 (USE REGULATIONS SCHEDULE) shall be permitted as a matter of right in the HM-III District. The following additional uses may be allowed upon the issuance of a Special Permit by the Planning Board, subject to Site Plan Review and the procedure as described in Section VI-DD of this Bylaw: (Art. 10, S.T.M. #1 January 21, 1992) (Use 46C – Art. 30, Fall ATM, 10/8/98)

- a. Business or professional office or agency, bank or other financial institution;
- b. Hotel or motel;
- c. Administrative office clerical office, statistical office, or establishment for research and development;
- d. Professional or commercial service establishment dealing directly with the general public;
- e. Business training centers;
- f. Retail and wholesale sales including garden shops, open storage, restaurants which do not serve alcoholic beverages, and vehicle service centers which do not sell gasoline or diesel fuel. (Art. 11, 1991 Fall A.T.M.)
- g. The serving of food and-or beverages, with or without accompanying entertainment, on the premises of a hotel, including, without limitation, all restaurant, cocktail lounges, room service facilities, meeting and function rooms on said premises;
- h. Off-street parking and other accessory uses normally incidental to the permitted uses.
- i. Wireless Communications Facility, including only a BMWCF, an AWCf, and co-locating a WCF on an existing free standing monopole or lattice tower. (Art. 30, Fall ATM, 10/8/98)

2. INTENSITY REGULATIONS:

Permitted Use. Nos. 1, 3, 5 and 9 as set forth above shall conform to the Section IV-B Intensity Regulations for the RSA Zoning District. The

following intensity regulations shall apply to the uses permitted upon Site Plan Review and subject to the issuance of a Special Permit as provided above, in lieu of the intensity regulations set forth in Section IV-B; and in addition the requirements of Section IV-A.5 shall apply.

(Art 11, 1991 Fall A.T.M.) (Art. 10, S.T.M. #1 January 21, 1992)

a. MINIMUM AREA AND FRONTAGE FOR SUBMISSION OF A FINAL SITE PLAN:

A tract of land either in the same ownership or separately owned and joined together for purposes of this Section, must have in the aggregate an area of 200,000 square feet and a minimum frontage of 200 feet along the major highway or along a driveway or a subdivision road having a minimum paved width of 30 feet leading from the tract to the major highway as a prerequisite for development and site plan approval under this HM-III Zoning By-law. (Article 11, 1991 Fall A.T.M.)

b. MINIMUM LOT AREA AND FRONTAGE:

Lots may be created in accordance with Subdivision Control law and final site plan approval may be given individually to lots existing or created by subdivision, which have an area of 100,000 square feet and 100 feet of frontage provided they are within an overall tract of land which complies with the Minimum Area and Frontage requirements of Sub-Section (a), and which lot or lots form part of an overall site plan submitted for approval as to a portion of the parcel containing such lot or lots.

c. MINIMUM LOT DEPTH: 200 feet

d. MINIMUM FRONT SETBACK OF BUILDINGS:

No buildings shall be located closer than 100 feet to the front line of the entire parcel. For this purpose the front line shall be the portion of the entire parcel abutting the major highway. (Art. 11, 1991 Fall A.T.M.)

e. MINIMUM SIDE AND REAR SETBACKS OF BUILDINGS:

No buildings shall be located closer than 100 feet to the side or rear lines of the entire parcel. Where the parcel abuts residentially zoned land the setback of a building shall be no less than two (2) times the height of such structure, but not less than 100 feet. However, notwithstanding the foregoing, where the parcel abuts other non-residentially zoned or used land the side or rear building setback so

abutting such land shall be not less than fifty (50') feet. There shall be excluded from the computation of such setback or yard depth, protrusions for staircases, ramps, and other facilities required by law for the safe use of the structure.

f. MAXIMUM BUILDING COVERAGE: Fifty per cent including accessory buildings.

g. MAXIMUM HEIGHT OF BUILDINGS: Seventy-five feet.

h. BUFFERING REQUIREMENTS:

A strip of landscaped buffer area at least one hundred and fifty (150) feet in width shall be maintained at side and rear boundaries of that portion of the land situated in Natick abutting single-family residentially zoned land which was not, on January 1, 1992, developed or used for hotel, motel or other commercial uses. Said buffer area shall be free of driveways, parking areas and buildings but may include terraces, retaining walls, berms, plantings, fences, drainage facilities and utilities. Where the side and rear boundaries of the entire tract of land abut non-residentially zoned or used land a landscaped buffer area at least ten (10') feet in width shall be maintained. Landscaping requirements for such buffer strip shall be not less than those provided in Section IV-B(x) of these By-laws. However, the Planning Board may provide for additional tree and-or understory plantings, fencing, berms, or any combination thereof which serve to adequately screen the uses on the parcel from surrounding residential uses; and such trees so required shall not be spaced closer than 15 linear feet and shall not be required to be taller than 12 feet when planted. Where the topography requires, buildings shall be so sited as to minimize their being visible from drainage channels ponding areas, pedestrian, vehicular and utility installations. (Art. 1 Fall Session A. T. M. October 6, 1981); (Art. 11, 1991 Fall A.T.M.) (Art. 9, S.T.M. #1, 2/3/93)

i. GARAGES AND PARKING:

Garages may be used for indoor storage of motor vehicles. Where roof parking is desired, all vehicles shall be screened laterally by a suitable parapet wall, and roof lighting shall be screened laterally.

For the purpose of this HM-III district, and notwithstanding any other provision of these By-laws, an off-street parking space may have a width of not less than 7.5 feet and a length of not less than 15 feet for angle parking, or 18 feet for parallel parking, provided that not more than 50 per cent of the off-street parking spaces are so dimensioned. It is the intent of this provision to reduce the amount of paved area that

is included in a Site Plan to provide no more parking spaces than would otherwise be provided if standard size spaces were used.

(Art. 7 S.T.M. # 3 October 27, 1981)

III-G.2 HIGHWAY PLANNED USE (HPU) DISTRICTS:

1. PURPOSE AND INTENT:

Within the purposes expressed in Section 1-A and in the General Laws Chapter 40A, the particular intent of these By-laws relating to HPU Districts is to provide for large scale development of various commercial uses in a manner that provides flexibility for creative land planning on large parcels of land which are surrounded by single family residential development, but which have frontage along a major four lane divided highway.

2. USES:

A. PERMITTED AND ALLOWED USES:

On lots located within an HPU District, all uses permitted as of right and-or all uses allowable on such lots upon the issuance of a Special Permit from the Special Permit Granting Authority, which were permitted or allowable in the zoning district within which said lots were located immediately prior to their being rezoned into an HPU District shall continue to be permitted or allowable uses, respectively, unless the owner or owners elect to develop their property under an Overall Site Plan as provided for in Section 2.B following hereafter, and such Site Plan is finally approved. Use No. 46C shall be permitted as a matter of right and Use No. 46A shall be allowed upon the issuance of a special permit by the Planning Board. (Art. 30, Fall ATM, 10/8/98)

B. ALLOWED USES-OVERALL SITE PLAN

In the event the owner or owners of a lot, or several adjacent lots in an HPU district, having in total a minimum area of 25 acres elect to develop their land under an Overall Site Plan then the uses permitted under Section 2.A above shall no longer be allowed and the following uses may be permitted upon Site Plan review and the grant of a Special Permit by the Planning Board in accordance with sections VI-DD & VI-EE of these By-laws. Where owners of adjacent lots wish to combine them for the purpose of seeking a Special Permit and approval of a final Site Plan under this Section, they must submit a recordable agreement to the Planning Board with their petition for a Site plan Review and Special Permit. Such agreement must be in a form that is satisfactory to the Planning Board and shall authorize the joint proposed development, and be binding upon their successors in interest. Such agreement shall be recorded upon approval of a Final Site Plan prior to the issuance of any building permit. The following

are the only uses which may be allowed in such a development in an HPU District:

- a. Business or professional office or agency; bank or other financial institution; administrative office, clerical office, statistical office, establishment for research and/or development; craft, consumer, professional or other service establishment dealing directly with the general public, excluding the sale of any goods; (Art. 7, STM 6/13/95)
- b. Retail stores. An overall Site Plan may not show retail space which exceeds 20 per cent of the total developed floor space, excluding garages;
- c. The surface or indoor storage and parking of motor vehicles, with no provisions for operations incidental to the sale or servicing of such vehicles; (Art. 7, STM 6/13/95)
- d. Printing or publishing establishment;
- e. Restaurant located within structures in existence prior to January 1, 1994 serving food and beverages to be chiefly consumed on the premises, with no facilities being provided to permit the serving or consumption of food or beverages outside of an enclosed structure, which restaurant shall not be open before 7:00 A. M. nor seat patrons for service after 11:00 P. M. provided that any portion of a structure dedicated to such use is located at least two hundred (200') feet from the nearest residentially zoned district. (Art. 11, Fall ATM 10/4/94)
- f. Structures for indoor recreation uses available only to occupants or their guests, provided any portion of a structure containing such use is at least two hundred (200') feet from the nearest residentially zoned district, and at least three hundred-fifty (350') feet from any existing residential structure.
- g. Wireless Communications Facility, including only a BMWCF, an AWCf, and co-locating a WCF on an existing free standing monopole or lattice tower. (Art. 30, Fall ATM, 10/8/98)

3. INTENSITY REGULATIONS

A. GENERAL REQUIREMENTS

Lots in an HPU District shall conform to those Intensity Regulations of this Zoning By-Law found in Section IV as applicable for the Zoning

District in which said lots were located immediately prior to rezoning to an HPU District.

B. SPECIAL REQUIREMENTS

Instead of the foregoing requirements, and only where a lot or a group of lots are proposed to be included as one large parcel for purposes of seeking Site Plan Approval and a Special Permit under Section III-G.2.B the following regulations shall apply:

a. MINIMUM AREA REQUIRED FOR INCLUSION IN A FINAL SITE PLAN: 25 acres.

b. MINIMUM CONTINUOUS FRONTAGE REQUIRED FOR INCLUSION IN A FINAL SITE PLAN: 1,500 feet on a 4-lane divided highway.

c. MINIMUM SETBACK OF BUILDINGS AND PARKING FROM MAJOR HIGHWAYS: 85 feet; (excluding staircases, ramps and other facilities required by law for the safe use of the structure).

d. MINIMUM SIDE AND REAR SETBACKS: No buildings shall be located closer than 150 feet to the side or rear lines of the parcel. Only garage structures may be located closer than 200 feet to the side or rear lines of the parcel. A setback from the side and rear boundaries of the parcel may be reduced to 50 feet if there is adjacent land outside of the parcel having a conservation restriction of a depth of at least 275 feet.

e. MAXIMUM BUILDING COVERAGE: 15 per cent, including accessory buildings and exclusive of structures devoted entirely to garages. Additional building coverage may be permitted in accordance with the following formula:

Additional coverage for a garage structure equals No. of parking spaces provided within garage divided by Minimum No. of parking spaces required in By-law, multiplied by 10 percent. Provided, however, that in no event shall the total building coverage for garage structures exceed 10 per cent.

f. MAXIMUM HEIGHT OF BUILDINGS: 15 feet, if located between 150 and 200 feet of the side or rear property lines, and 36 feet beyond 200 feet of the side or rear property lines. Where the setback is reduced to fifty (50') feet in accordance with the provisions of Section 3. B. (d), a building may be constructed up to a height of thirty-six (36') feet.

g. LANDSCAPED BUFFER STRIP REQUIREMENT: A strip of landscaped buffer area 100 feet in width shall be maintained by means of a conservation restriction at all side and rear boundaries of the parcel. This buffer strip of landscaped space shall not be required where it abuts other land outside of the parcel which has been preserved by a conservation restriction, provided such other conservation land is at least 275 feet in depth. All landscaping shall be constructed and maintained as follows:

A continuous eight foot high berm shall be provided along the side and rear boundaries of the parcel except where the parcel abuts land which has been preserved by a conservation restriction, provided said conservation land is at least 275 feet in depth. The berm shall contain plantings of evergreen trees that will reach a mature height of 30 feet or greater and which will form an effective year-round screen having an average spacing of 15 linear feet between them. Understory plant materials must be at least 3 feet in height when planted and trees must be at least 12 feet in height when planted. The berm and plantings required herein shall be completed and installed not later than three (3) years from the date the first building permit for the site is issued. (Art. 1 S.T.M. #2 - 10/5/82)

h. ACCESS: Access to and from the parcel shall be limited to a single major entrance and exit to the 4 lane divided highway. Reasonable acceleration and deceleration lanes shall also be provided adjacent the highway. One additional exit to the highway may be provided in order to allow for handling peak exiting traffic, provided that it is so restricted to exiting traffic only.

i. GARAGES AND PARKING: Garages may be used for indoor storage of motor vehicles. Where roof parking is desired, all vehicles shall be screened laterally by a suitable parapet wall, and roof level lighting shall be screened laterally. Where garages are constructed at the minimum permitted setback, no surface parking or roadways shall be permitted between such building and the adjacent buffer strip. However, emergency access ways may be provided, where necessary, surrounding each garage structure. Where garages are constructed at a height which prevents their being screened by vegetation or trees, adequate architectural treatment shall be given to the garage structure to achieve reasonable and appropriate compatibility with the other structures in the development. For the purpose of this HPU district, and notwithstanding any other provision of these by-laws, an off-street parking space may have a width of not less than 7.5 feet and a length of not less than 15 feet for angle parking, or 18 feet for

parallel parking, provided that no more than 50 per cent of the off-street parking spaces are so dimensioned. It is the intent of this provision to reduce the amount of paved area that is included in a Site Plan to provide no more parking spaces than would otherwise be provided if standard size spaces were used.

(Art. 1, S.T.M. #3 October 27, 1981) (Art. 11, S.T.M. #1 January 21, 1992)